

भारत का राजपत्र

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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

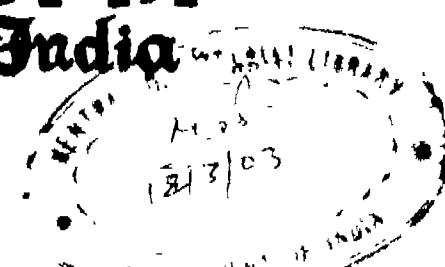
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सं. 36]

नई दिल्ली, शुक्रवार, अगस्त 2, 2002/ श्रावण 11, 1924

No. 36]

NEW DELHI, FRIDAY, AUGUST 2, 2002/ SRAVANA 11, 1924



इस भाग में अलग संख्या दी जाती है जिससे फिर यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced on 2-8-2002.

BILL No. 62 OF 2002

A Bill to provide for the inclusion in the lists of Scheduled Tribes, of certain tribes or tribal communities or parts of or groups within tribes or tribal communities, equivalent names or synonyms of such tribes or communities, removal of area restrictions and bifurcation and clubbing of entries; imposition of area restriction in respect of certain castes in the lists of Scheduled Castes, and the exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes, in relation to the States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Orissa, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Second Amendment) Act, 2002.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950, made by the President under article 341 of the Constitution;

(b) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978, made by the President under article 342 of the Constitution.

3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.

Amendment
of Scheduled
Castes Order.

4. The Scheduled Tribes Orders are hereby amended in the manner and to the extent specified in the Second Schedule.

Amendment
of Scheduled
Tribes Orders.

THE FIRST SCHEDULE

(See section 3)

In the Constitution (Scheduled Castes) Order, 1950,—

- (a) in PART VIII.—*Kerala*, omit entries 29 and 38;
- (b) in PART XVIII.—*Uttar Pradesh*,—
 - (i) in entry 1, at the end, insert “(excluding Sonbhadra district)”;
 - (ii) in entry 5, at the end, insert “(excluding Sonbhadra district)”;
 - (iii) in entry 21, at the end, insert “(excluding Sonbhadra district)”;
 - (iv) in entry 25, at the end, insert “(excluding Sonbhadra and Varanasi districts)”;
 - (v) in entry 36, at the end, insert “(excluding Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra districts)”;
 - (vi) for entry 46, substitute “46. Kharwar [(excluding Benbansi) (excluding Deoria, Balia, Gazipur, Varanasi and Sonbhadra districts)]”;
 - (vii) in entry 57, at the end, insert “(excluding Sonbhadra and Mirzapur districts)”;
 - (viii) in entry 58, at the end, insert “(excluding Sonbhadra district)”;
 - (ix) in entry 60, at the end, insert “(excluding Sonbhadra district)”;
 - (x) in entry 62, at the end, insert “(excluding Lalitpur district)”.

THE SECOND SCHEDULE

(See section 4)

(J) In the Constitution (Scheduled Tribes) Order, 1950,—

- (a) in PART I.—*Andhra Pradesh*,—
 - (i) in entry 1, after “Andh”, insert “, Sadhu Andh”;
 - (ii) in entry 4, omit “Chenchwar”;
 - (iii) in entry 5, at the end, insert “, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba”;
 - (iv) in entry 6, at the end, insert “, Koitur”;
 - (v) in entry 12, for “Mannervarlu”, substitute “Kolawar”;
 - (vi) in entry 13, at the end, insert “Kubi”;
 - (vii) in entry 16, at the end, insert “, Kuvinga”;
 - (viii) in entry 17, omit “Dhulia, Paiko, Putiya”;
 - (ix) in entry 18, for “Goud”, substitute “Doli Koya, Gutta Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya”;
 - (x) in entry 29, at the end, insert “, Banjara”;
 - (xi) in entry 31, for “Agency tracts”, substitute “Scheduled Areas of Vishakhapatnam, Srikakulam, Vijayanagaram, East Godavari and West Godavari districts”;
 - (xii) in entry 32, at the end, insert “, Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi”;

(xiii) in entry 33, at the end, insert “, Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula”,

(xiv) after entry 33, insert—

“34 Nakkala, Kurvikanan

35 Dhulia, Paiko, Putiya (in the districts of Vishakhapatnam and Vijayanagaram)”,

(b) in PART II—*Assam*,—

(i) under the item “In the autonomous districts —”, for entry 11, substitute “11 Karbi”, and after entry 14, insert “15 Lalung”;

(ii) under the item “In the State of Assam excluding the autonomous districts —”, after entry 9, insert—

“10 Dimasa

11 Hajong

12 Sunghpho

13 Khampti

14 Garo”,

(c) in PART III—*Bihar*,—

(i) in entry 1, at the end, insert “, Agaria”,

(ii) in entry 16, at the end, insert “, Dhelki Kharia, Dudh Kharia, Hill Kharia”

(iii) in entry 19, at the end, insert “, Nagaesia”,

(iv) in entry 20, at the end, insert “, Mudi-kora”,

(v) in entry 24, at the end insert “, Kumarbhag Paharia”,

(vi) in entry 25, at the end, insert “, Patar”,

(vii) in entry 26, at the end, insert “, Dhangar (Oraon)”,

(viii) after entry 30, insert—

“31 Kawar

32 Kol

33 Tharu”,

(d) in PART IV—*Gujarat*,—

(i) in entry 9, at the end, insert “, Dhodi”,

(ii) omit entries 15 and 20,

(iii) in entry 26, after “Siddi” and before the brackets, insert “, Siddi-Badshan”,

(iv) omit entry 27,

(e) in PART V—*Himachal Pradesh*,—

(i) in entry 2, omit “[excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), other than the Lahul and Spiti district]”,

(ii) in entry 3, omit “[excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966)]”,

(iii) after entry 8, insert—

“9. Beta, Beda

10. Domba, Gara, Zoba”;

(f) in PART VI.—*Karnataka*,—

(i) in entry 37, at the end, insert “Medari, Gauriga, Burud”;

(ii) in entry 41, at the end, insert “, Haranshikari”;

(iii) after entry 49, insert “50. Siddi (in Uttar Kannada district)”;

(g) in PART VII.—*Kerala*,—

(i) in entry 2, at the end, insert “, Aranadan”;

(ii) in entry 4, at the end, insert “, Mala Pulayan, Kurumba Pulayan, Karavazhi Pulayan, Pamba Pulayan”;

(iii) in entry 6, at the end, insert “, Wayanad Kadar”;

(iv) omit entry 7;

(v) for entry 10, substitute “10. Kochuvelan”;

(vi) omit entries 11, 12 and 14;

(vii) in entry 16, at the end, insert “, Kurichiyan”;

(viii) in entry 17, at the end, insert “, Mullu Kuruman, Mulla Kuruman, Mala Kuruman”;

(ix) in entry 18, at the end, insert “, Kurumbar, Kurumban”;

(x) in entry 20, at the end, insert “, Mala Arayan”;

(xi) in entry 22, at the end, insert “, Malavedan”;

(xii) for entry 25, substitute “25. Malayan, Nattu Malayan, Konga Malayan excluding the areas comprising the Kasaragode, Cannanore, Wayanad and Kozhikode districts”;

(xiii) in entry 27, at the end, insert “(to be spelt in Malayalam script in parenthesis)”;

(xiv) omit entry 28;

(xv) for entries 30, 31 and 32, substitute “30. Palleyan, Palliyan, Palliyar, Paliyan”;

(xvi) in entry 34, at the end, insert “, Ullatan”;

(xvii) after entry 35, insert—

“36. Mala Vettuvan (in Kasargode and Kannur districts)

37. Ten Kurumban, Jenu Kurumban

38. Thachanadan, Thachanadan Moopan

39. Cholanaickan

40. Mavilan

41. Karimpalan

42. Vetta Kuruman

43. Mala Panickar”;

(h) in PART VIII.—*Madhya Pradesh*, omit “entries 21, 32 and 39”;

(i) in PART IX.—*Maharashtra*,—

(i) omit entry 12;

(ii) in entry 18, for “Gond Rajgond” substitute “Gond, Rajgond”;

(iii) omit entry 45”;

(j) in PART X.—*Manipur*,—

(i) for entry 28, substitute “28. Vaiphei”;

(ii) after entry 29, insert—

“30. Poumai Naga

31. Tarao

32. Kharam

33. Any Kuki tribes”;

(k) in PART XII.—*Orissa*,—

(i) in entry 1, at the end, insert “, Bhakta”;

(ii) in entry 4, at the end, insert “, Bathuri”;

(iii) in entry 5, at the end, insert “Bhotra, Bhatra, Bhattara, Bhotora”;

(iv) in entry 8, at the end, insert “, Teli Bhumij, Haladipokhria Bhumij, Haladipokhria Bhumija, Desi Bhumij, Desia Bhumij, Tamaria Bhumij”;

(v) in entry 10, at the end, insert “, Binjhavar”;

(vi) in entry 13, at the end, insert “, Bonda Paroja, Banda Paroja”;

(vii) in entry 17, at the end, insert “, Dhuruba, Dhurva”;

(viii) in entry 18, at the end, insert “, Didai Paroja, Didai”;

(ix) in entry 19, at the end, insert “, Bodo Gadaba, Gutob Gadaba, Kapu Gadaba, Ollara Gadaba, Parenga Gadaba, Sano Gadaba”;

(x) in entry 22, at the end, insert “Rajgond, Maria Gond, Dhur Gond”;

(xi) in entry 28, at the end, insert “Kanwar”;

(xii) in entry 29, at the end, insert “Berga Kharia, Dhelki Kharia, Dudh Kharia, Erenga Kharia, Munda Kharia, Oraon Kharia, Khadia, Pahari Kharia”;

(xiii) in entry 31, at the end, insert “Kondh, Kui, Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond”;

(xiv) in entry 32, at the end, insert “, Nagesar, Nagesia”;

(xv) in entry 38, at the end, insert “, Khaira, Khayara”;

(xvi) in entry 41, at the end, insert “, Gumba Koya, Koitur Koya, Kamar Koya, Musara Koya”;

(xvii) in entry 43, at the end, insert “, Nodh, Nodha, Lodh”;

(xviii) in entry 47, at the end, insert “, Mankria, Mankidi”;

(xix) in entry 48, at the end, insert “, Matia”;

(xx) in entry 49, at the end, insert “, Kuda, Koda”;

(xxi) in entry 50, at the end, insert “, Nagabanshi Munda, Oriya Munda”;

(xxii) in entry 52, at the end, insert “, Omanatyo, Amanatyo”;

(xxiii) in entry 53, at the end, insert “, Dhangar, Uran”;

(xxiv) in entry 55, at the end, insert “, Parja, Bodo Paroja, Barong Jhodia Paroja, Chhelia Paroja, Jhodia Paroja, Konda Paroja, Paraja, Ponga Paroja, Sodia Paroja, Sano Paroja, Solia Paroja”;

(xxv) in entry 59, at the end, insert “Arsi Saora, Based Saora, Bhima Saora, Bhimma Saora, Chumura Saora, Jara Savar, Jadu Saora, Jati Saora, Juari Saora, Kampu Saora, Kampa Soura, Kapo Saora, Kindal Saora, Kumbi Kancher Saora, Kalapithia Saora, Kirat Saora, Lanjia Saora, Lamba Lanjia Saora, Luara Saora, Luar Saora, Laria Savar, Malia Saora, Malla Saora, Uriya Saora, Raika Saora, Sudda Saora, Sarda Saora, Tankala Saora, Patro Saora, Vesu Saora”;

(xxvi) in entry 62, at the end, insert “, Tharua Bindhani”;

(l) in PART XIV.—*Tamil Nadu*, in entry 7, for “taluk,” substitute “and Ambasamudram taluks”;

(m) in PART XV.—*Tripura*,—

(i) in entry 6, at the end, insert “, Bengshel, Dub, Kaipeng, Kalai, Karbong, Lengui, Mussum, Rupini, Sukuchep, Thangchep”;

(ii) in entry 14, at the end, insert “, Murashing”;

(r) in PART XVI.—*West Bengal*, after entry 38, insert—

“39. Limbu (Subba)

40. Tamang”.

(o) in PART XVII.—*Mizoram*, after entry 14, insert “15. Paite”;

(p) in PART XVIII.—*Arunachal Pradesh*,—

(i) in entry 8, at the end, insert “, Idu, Taroan”;

(ii) after entry 12, insert—

“13. Hrusso

14. Tagin

15. Khamba

16. Adi”;

(q) in PART XIX.—*Goa*, after entry 5, insert—

“6. Kunbi

7. Gawda

8. Velip”;

(r) in PART XXII.—*Jharkhand*,—

(i) in entry 1, at the end, insert “, Agaria”;

(ii) in entry 15, at the end, insert “, Dhelki Kharia, Dudh Kharia, Hill Kharia”;

(iii) in entry 18, at the end, insert “, Nagesia”;

(iv) in entry 19, at the end, insert “, Mudi-Kora”;

(v) in entry 23, at the end, insert “, Kumarbhag Paharia”;

- (vi) in entry 24, at the end, insert “, Patar”;
- (vii) in entry 25, at the end, insert “, Dhangar (Oraon)”;
- (viii) after entry 30, insert—
 - “31. Kawar
 - 32. Kol”.

(2) In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, after entry 5, insert—

“6. Gond, Dhuria, Nayak, Ojha, Pathari, Raj Gond (in the districts of Mehraganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Ghazipur, Varanasi, Mirzapur and Sonbhadra)

7. Kharwar, Khairwar (in the districts of Deoria, Balia, Ghazipur, Varanasi and Sonbhadra)

8. Saharya (in the district of Lalitpur)

9. Parahiya (in the district of Sonbhadra)

10. Baiga (in the district of Sonbhadra)

11. Pankha, Panika (in the districts of Sonbhadra and Mirzapur)

12. Agariya (in the district of Sonbhadra)

13. Patari, (in the district of Sonbhadra)

14 Chero (in the districts of Sonbhadra and Varanasi)

15. Bhuiya, Bhuinya (in the district of Sonbhadra)”.

(3) In the Constitution (Sikkim) Scheduled Tribes Order, 1978, after entry 2, insert—

“3. Limboo

4. Tamang”.

STATEMENT OF OBJECTS AND REASONS

According to the provisions of articles 341 and 342 of the Constitution, the lists of the Scheduled Castes and the Scheduled Tribes were notified during the years 1950 and 1951 in respect of various States and Union territories respectively. These lists were modified from time to time. A number of requests were received from time to time from the State Governments for removing anomalies in the lists by inclusion of certain tribes or tribal communities, equivalent names or synonyms of certain tribes or communities, removal of area restrictions and bifurcation or clubbing of certain entries, etc., imposition of area restrictions in respect of certain castes in the lists of Scheduled Castes, and exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes.

2. The modifications in the lists have been processed. Accordingly, the lists of Scheduled Castes and Scheduled Tribes are proposed to be modified for 20 States in respect of 140-communities after consultation with the State Governments concerned, the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes.

3. The amendments contained in the Scheduled Castes and Scheduled Tribes Orders (Second Amendment) Bill, 2002 broadly fall under the following categories, namely:—

- (i) the transfer of communities from the list of Scheduled Castes to that of the list of Scheduled Tribes as they had been wrongly included in the list of Scheduled Castes whereas they belong to Scheduled Tribes category;
- (ii) the inclusion of certain tribes or tribal communities or parts thereof or groups within tribes or tribal communities;
- (iii) the addition of equivalent names or synonyms in respect of certain tribes in the existing lists;
- (iv) the exclusion of certain communities from the existing lists;
- (v) the bifurcation and clubbing of entries in the existing lists, based on their ethnic dissimilarity or similarity;
- (vi) the removal of area restrictions in respect of certain specific tribes in the existing lists and imposition of area restrictions in respect of certain castes;
- (vii) the correction in the spellings of certain tribes in the existing lists; and
- (viii) the change of nomenclature of certain tribes in the existing lists.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 19th July, 2002.

JUAL ORAM.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks inclusion of communities as well as addition of synonyms of communities in the existing lists of Scheduled Tribes. This will entail additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to such communities, under the continuing schemes meant for the welfare of the Scheduled Tribes.

2. It is not possible to estimate the likely additional expenditure to be incurred on this account at this stage. However, the expenditure, whether recurring or non-recurring will be met out of the Consolidated Fund of India.

BILL No. 64 OF 2002

A Bill further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Supreme Court Judges (Salaries and Conditions of Service) Second Amendment Act, 2002.

(2) It shall be deemed to have come into force on the 1st day of January, 1996.

Amendment of section 16A of Act 41 of 1958.

2. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, in section 16A, in sub-section (1),—

(i) in clause (a),—

(A) for the words "family pension calculated at the rate of sixty per cent. of the pension admissible to him", the words "family pension calculated at the rate of fifty per cent. of his salary" shall be substituted;

(B) for the words "and thereafter at the rate of half of the family pension so admissible", the words "and thereafter at the rate of thirty per cent. of his salary" shall be substituted;

(ii) in clause (b), for the words "family pension shall be thirty per cent. of the pension admissible", the words "family pension shall be thirty per cent. of his salary" shall be substituted;

*(iii) before the *Explanation*, the following proviso shall be inserted, namely:—*

"Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act.".

STATEMENT OF OBJECTS AND REASONS

The family pension in the case of Judges of the Supreme Court is governed by the provisions of sub-section (1) of section 16A of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958. As per the existing provisions of the said Act, there are two rates of family pension, i.e. (i) the family pension at the rate of thirty per cent. of the pension admissible to a Judge, who retired after 1.11.1986, and (ii) the family pension at the rate of thirty per cent. of the salary of a Judge, who retired prior to 1.11.1986. The determination of family pension on the basis of percentage of the pension to one category and on the basis of percentage of the salary to the other category has resulted in an anomaly.

2. Representations have been received from the Judges for removing the above anomaly. The Chief Justice of India has also requested for taking appropriate steps to remove the anomaly in the matter of fixation of family pension of the Judges.

3. The Andhra Pradesh High Court, in *O. Chinnappa Reddy Vs.. Union of India and others* (Writ Petition No. 14804 of 1999), has also observed that the said Act needs to be suitably amended so as to rectify the anomalous situation which has arisen in the matter of payment of family pension.

4. Accordingly, it is proposed to amend the aforesaid provisions for providing uniform rates of family pension to the Judges of Supreme Court irrespective of their date of retirement.

5. The Bill seeks to achieve the above object.

New Delhi;

The 12th July, 2002.

K. JANA KRISHNAMURTHI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. L-11016/6/2000-Jus. dated the 19th July, 2002 from Shri K. Jana Krishnamurthi, Minister of Law and Justice to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Supreme Court Judges (Salaries and Conditions of Service) Second Amendment Bill, 2002, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and (3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 16A of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 so as to revise the family pension of Judges from sixty per cent. of the pension to fifty per cent. of the pay last drawn for the first seven years after death or up to the age of 65 years, whichever is earlier and thereafter from thirty per cent. of the pension to thirty per cent. of the pay subject to the condition that the family pension so calculated in both categories shall in no case exceed the pension admissible to the Judge. The proposal does not involve any substantial financial implications as there are only few family pensioners of the deceased Judges.

2. The expenditure in respect of the Judges of the Supreme Court is to be borne by the Central Government and is charged on the Consolidated Fund of India. Payment on account of arrears will be made with effect from 1.1.1996 and shall be of a non-recurring nature which would come around rupees twenty lakhs (excluding fluctuating dearness relief). The approximate recurring expenditure of the Central Government would be around rupees three lakhs (excluding fluctuating dearness relief) per annum.

3. The Bill does not involve any other expenditure of either recurring or non-recurring nature.

BILL No. 63 of 2002

A Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of January, 1996.

2. In the High Court Judges (Salaries and Conditions of Service) Act, 1954, in section 17A, in sub-section (1),—

Amendment of section 17A of Act 28 of 1954.

(i) for the words "Sixty per cent. of the pension admissible to him", the words "fifty per cent. of his salary" shall be substituted;

(ii) for the words "and thereafter at the rate of half of the family pension so admissible", the words "and thereafter at the rate of thirty per cent. of his salary" shall be substituted;

(iii) before the *Explanation*, the following proviso shall be inserted, namely:—

"Provided that in no case the amount of family pension calculated under this sub-section shall exceed the pension payable to the Judge under this Act.".

STATEMENT OF OBJECTS AND REASONS

The family pension in the case of Judges of the High Court is governed by the provisions of sub-section (1) of section 17A of the High Court Judges (Salaries and Conditions of Service) Act, 1954. As per the existing provisions of the said Act, there are two rates of family pension, i.e. (i) the family pension at the rate of thirty per cent. of the pension admissible to a Judge, who retired after 1.11.1986, and (ii) the family pension at the rate of thirty per cent. of the salary of a Judge, who retired prior to 1.11.1986. The determination of family pension on the basis of percentage of the pension to one category and on the basis of percentage of the salary to the other category has resulted in an anomaly.

2. Representation have been received from the Judges for removing the above anomaly. The Chief Justice of India has also requested for taking appropriate steps to remove the anomaly in the matter of fixation of family pension of the Judges.

3. An analogous provision exists in case of the family pension of the Supreme Court Judges. The Andhra Pradesh High Court, in *O. Chinnappa Reddy Vs. Union of India and others* (Writ Petition No. 14804 of 1999), has also observed that the said provision needs to be suitably amended so as to rectify the anomalous situation which has arisen in the matter of payment of family pension.

4. Accordingly, to remove the above anomaly in case of High Court Judges, it is proposed to amend the aforesaid provisions for providing uniform rates of family pension to the Judges irrespective of their date of retirement.

5. The Bill seeks to achieve the above object.

NEW DELHI;
The 12 July, 2002.

K. JANA KRISHNAMURTHI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. L-11016/6/2000-Jus, dated the 19th July, 2002 from Shri K. Jana Krishnamurthi, Minister of Law and Justice to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the High Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and (3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 17A of the High Court Judges (Salaries and Conditions of Service) Act, 1954 so as to revise the family pension of Judges from sixty per cent. of the pension to fifty per cent. of the pay last drawn for the first seven years after death or up to the age of sixty five years, whichever is earlier and thereafter from thirty per cent. of the pension to thirty per cent. of the pay subject to the condition that the family pension so calculated in both categories shall in no case exceed the pension admissible to the judge. The proposal does not involve any substantial financial implications as there are only few family pensioners of the deceased Judges.

2. The expenditure in respect of the Judges of the Delhi High Court and 5.26 per cent. of the expenses in respect of Punjab and Haryana High Court are to be borne by the Central Government and is charged on the Consolidated Fund of India. Payment on account of arrears will be made with effect from 1.1.1996 and shall be of a non-recurring nature which would come around rupees ten lakhs (excluding fluctuating dearness relief). The approximate recurring expenditure of the Central Government would be around rupees two lakhs (excluding fluctuating dearness relief) per annum.
3. The Bill does not involve any other expenditure of either recurring or non-recurring nature.

G. C. MALHOTRA,
Secretary-General.

